

withdraw the finality. The final office action dated February 4, 2005 was discussed but no agreement was reached as the allowability of the claims, although it was agreed that a new declaration submitted by Mr. Haber sufficient to overcome the Kamen reference would overcome the reference and the Examiner would then, by necessity, withdraw the currently pending final rejection.

Rejections Under 35 USC §103

The Examiner has rejected the claims under 35 USC §103 as being unpatentable over U.S. Patent No. 6,188,398 issued to Collins-Richter (hereinafter "**COLLINS-RICHTER**") in light/view of U.S. Patent No. 6,229,541 issued to Kamen et al. (hereinafter "**KAMEN**").

Applicant respectfully disagrees with the Examiner's assessment of **COLLINS-RICHTER** and **KAMEN**. More particularly, in the rejection, the Examiner states that **COLLINS-RICHTER** "discloses a display comprising a segment of video content e.g. 31, a still image e.g. 33, and separate third portion of the display e.g. 37." This is an incorrect statement. While area 31 in FIG. 1 of **COLLINS-RICHTER** is used to display video, area 33 is not used to display a still image corresponding with the segment of video content and being a select frame from the segment of video content. Instead, **COLLINS-RICHTER** specifically teaches that area 33 is used to display what is commonly referred to as a banner ad.

There are significant differences between the use of a banner ad and a still image being a select frame from the segment of video content. First, with a banner ad, the entire area of the banner ad is selectable and links to a single website. In the still image of the present invention, there are a plurality of user selectable areas, with each user selectable area showing one of the products contained in the corresponding segment of video content and each user selectable area being anchored to its own hyperlink, with each hyperlink linking to a separate e-commerce website where specific information about the product resides and from which the product may be purchased.

Accordingly, **COLLINS-RICHTER** does not teach simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content, each user selectable area being anchored to a hyperlink, each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased.

Interestingly, during the course of the Interview, the Examiner changed his position and began to argue that area 37 in FIG. 1 of **COLLINS-RICHTER** is where the still image would be provided. The Examiner based his argument upon a single line in **COLLINS-RICHTER** which states, "any other desired information content can be placed in a fourth frame 37." Applicant disagrees that this single line teaches simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content, each user selectable area being anchored to a hyperlink, each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased.

Moreover, even assuming that area 37 in FIG. 1 of **COLLINS-RICHTER** is where the still images would be provided, the Examiner has failed to then show where the product information would be displayed. More specifically, the claim specifically requires that using the hyperlink anchored to the user's selected area, the software will directly access the e-commerce website and retrieve the specific information about the product contained in the corresponding segment of video content, and simultaneously provide that specific information to the user *in a separate and third portion of said display*.

As specifically stated, area 31 in **COLLINS-RICHTER** displays video, area 33 displays a BANNER ad, area 35 displays thumbnails of previous banner ads.

Accordingly, if area 37 was used to display the still image, there is no remaining separate portion in which to display the product information. In this regard, the claim is still allowable then over the teachings of **COLLINS-RICHTER**.

The Examiner also states that **KAMEN** discloses "a video 2 and separate still images, e.g. 4a-d, that are hyperlinked to an e-commerce web site."; but, he fails to cite to any relevant text in **KAMEN** where this conclusion is supported. Contrary to the Examiner's conclusion, **KAMEN** does not disclose the use of video and a separate still image which corresponds with a frame in the segment of video content and which contains a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content, each user selectable area being anchored to a hyperlink, each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased. In fact, **KAMEN** discloses an alternate method for solving the same problem as the present invention.

As taught and disclosed in **KAMEN**, in order to assist a user from having to chase a small moving object (which appears in a moving video) around on a screen with a cursor, a template can be overlaid which defines active areas of the screen. **KAMEN**, col. 2, ln.30-35. Each active area or region in the template is associated with a single link. When the active area is selected (i.e. when the user positions a cursor anywhere within the region of the template), the information from the link associated with that area is then displayed on the display screen. **KAMEN**, col 22-36. **KAMEN** further discloses that the active areas or regions of the template can be distinguished by using a particular color or positioning a particular icon within the region. In an alternative embodiment, the regions or areas appear to be invisible to the user but the areas maybe become highlighted or visible, or the cursor may change appearance, only when the cursor is positioned over the areas. **KAMEN**, col, 2, ln, 10-22, col 3, ln. 17-21.

Accordingly, **KAMEN** discloses having a video displayed in region 6, having images or icons displayed in areas 4a to 4d, and having links associated with the regions

4a to 4d which are related to the video content shown in region 6. However, **KAMEN** does not specifically disclose that the images in the regions 4a to 4d are still images which correspond with *actual frames* from the video displayed in section 6. Nor does it disclose that these images themselves each contain a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content. Instead, in all of the embodiments disclosed in **KAMEN**, the entire area or region of 4a corresponds with a single associated link. Likewise, the entire area or region 4b corresponds with a single associated link, and so on. Therefore links in **KAMEN** are associated with regions or areas of the template which overlays the video, while the present invention has links which are contained within each still image, separate and apart from the video, and these links are defined by user selectable areas within the still image and not in a template which overlays the video. Finally, in **KAMEN**, when a user selects one of the template regions, the information from the link is then provided on screen 2, replacing the video or image previously displayed in that same location. Unlike **KAMEN**, the claimed invention simultaneously provides the specific information about the product to the user in *a separate and third portion of said display*. Accordingly, the video content plays in one area, the still images appear in a second and separate area, and the information from the associated links is displayed in a third and separate area.

As a further note, it should not escape the Examiners attention that **KAMEN** specifically teaches that the video displayed in section 6 can be a video annotated with links and that by placing a template over the video, a user can selectively activate and deactivate those links in those portions of the video image which are then masked by the template. **KAMEN**, col. 5, ln. 1-7. Clearly **KAMEN** still recognizes the use of hyperlinks embedded in video which can be activated and deactivated selectively through the use of templates and **KAMEN** does not disclose using still images which correspond with actual frames from the video and which therein each contain a number of user selectable areas with each user selectable area showing one of the products contained in the corresponding segment of video content and being anchored to a hyperlink, with each

hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased.

Declaration Under 37 CFR 1.131

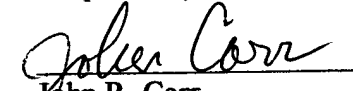
When any claim of an application is rejected, the inventor may submit an appropriate oath or declaration to establish invention prior to the effective date of the reference on which the rejection is based. Therefore, in the event that the Examiner does not agree with the arguments presented above with respect to the above mentioned references, the applicant has herein further included a supplemental declaration which indicates a date of invention prior to the invention date of the KAMEN prior art reference. As the declaration indicates, the invention claimed in the application was first conceived in July of 1998 then diligently reduced to practice within a year, by June of 1999. Supporting documentation has also been provided in order to verify the veracity of the applicant's statements and his date of conception/invention.

Conclusion

Based upon the foregoing remarks and the new Declaration of Jeff Haber, the Applicant respectfully submits that all of the claims in the instant application are in condition for allowance, and prompt reconsideration and allowance of all claims is hereby solicited.

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Respectfully submitted,


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